

LAW OFFICES OF JEROME ZAMOS  
Jerome Zamos (Cal. State Bar No. 36246)  
Admitted Pro Hac Vice  
5228 Campo Road  
Woodland Hills, California 91364-1927  
Telephone: 818-348-7151  
Facsimile: 818-348-6095  
email: zamoslaw@ aol.com

Attorneys for Real Party in Interest  
PRUDENCE WALTZ

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

---

|   |                        |
|---|------------------------|
| In Re:  | Case No. 08-13555 JMP  |
| LEHMAN BROTHERS' HOLDING,<br>INC., a Delaware Corporation | Chapter 11             |
| Debtor  | [jointly administered] |

---

PROPOSED

ORDER ABSTAINING FROM FURTHER PROCEEDINGS RELATING TO THE REAL  
PROPERTY AT 844-846 WEST 57<sup>TH</sup> STREET, LOS ANGELES, CALIFORNIA AND  
CLARIFYING THE ORDER PREVIOUSLY ENTERED MODIFYING THE AUTOMATIC  
STAY WITH REFERENCE TO ACTION BC 374163 NOW PENDING IN THE SUPERIOR  
COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

[28 U.S.C. § 1334(c)(2) and Bankruptcy Code §§ 362(d) & 362(e)]

The Court having read and considered the motion filed by PRUDENCE WALTZ  
pursuant to 28 U.S.C. § 1334(c)(2) and Sections 362(d) and 362(e) of title 11 of the United  
States Code (the “Bankruptcy Code”) and Rule 4001 of the Federal Rules of Bankruptcy  
Procedure (the “Bankruptcy Rules”) and having determined that:

- (a) The Automatic Stay in this Case was modified by order entered here-  
in on December 22, 2010 to allow action BC374163 to proceed in  
THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR  
THE COUNTY OF LOS ANGELES; and

- (b) All of the issues raised by PRUDENCE WALTZ in the property which is the subject matter of action BC374163 now pending in THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES are subject to mandatory abstention under the provisions of 28 U.S.C. § 1334(c)(2);

NOW THEREFORE it is ordered, adjudged and decreed that from and after the entry of this order this Court shall abstain from taking any further action which either interferes with or delays the exercise of the State Court's jurisdiction in action BC374163 now pending in THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES to adjudicate the claims by PRUDENCE WALTZ to remove any cloud against her title and recover possession of that certain real property commonly known as 844-846 West 57<sup>th</sup> Street, Los Angeles, California 90037-3628 [Los Angeles County Assessor's Parcel No. 5001-014-01 which is hereinafter referred to as "THE SUBJECT PROPERTY"] which is more fully described as follows:

The North 113.25 feet of Lot 382 or Burck's Golden Tract, in the City of Los Angeles, County of Los Angeles as per map recorded in Book 10, Page 26 of Maps in the office of the County Records of said County. .

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the adjudication of the claims brought by PRUDENCE WALTZ in action BC374163 in THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES the state court in the trial currently scheduled to commence on June 7, 2011 may proceed to adjudicate each of the following issues based upon the order previously entered herein on December 22, 2011:

- (a) Directing the return of possession of THE SUBJECT PROPERTY to whatever party it determines is the rightful owner and entitled to possession of property under the laws of the State of California;
- (b) Determining whether the Trustee which executed a trustees deed to AURORA LOAN SERVICES on June 29, 2007 [recorded as instrument No. 20071599432 in the official records of Los Angeles County, California on July 7, 2007] had the authority to execute the deed;
- (c) Determining whether the trustee's deed recorded as instrument No. 20071599432 in the official records of Los Angeles County, California on July 7, 2007 was void under under the laws of the State of California;
- (d) Determining whether the deed of trust recorded as instrument No. 06-1878371 in the official records of Los Angeles County, California on August 23, 2006 was executed by a trustor who had the authority to encumber THE SUBJECT PROPERTY;
- (e) Determining whether the deed of trust recorded as instrument No. 06-1878371 in the official records of Los Angeles County, California on August 23, 2006 was void under under the laws of the State of California; and
- (f) Assessing monetary relief against DEFENDANT AURORA LOAN SERVICES and any other party other than a debtor named in this Case.

Dated: New York, New York

May \_\_\_, 2010

UNITED STATES BANKRUPTCY JUDGE

**PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of LOS ANGELES, State of CALIFORNIA. I am over the age of 18 and not a party to the within action; my business address is 5228 Campo Road, Woodland Hills, California 91364-1927.

On April 7, 2011 I served the following document(s) described as PROPOSED ORDER ABSTAINING FROM FURTHER PROCEEDINGS RELATING TO THE REAL PROPERTY AT 844-846 WEST 57<sup>TH</sup> STREET, LOS ANGELES, CALIFORNIA AND CLARIFYING THE ORDER PREVIOUSLY ENTERED MODIFYING THE AUTOMATIC STAY WITH REFERENCE TO ACTION BC 374163 NOW PENDING IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES on the interested parties by placing a true copy thereof enclosed in a sealed envelope with postage fully prepaid addressed to:

Shai Y. Waisman, Esq.  
Jacqueline Marcus, Esq.  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153

Andrew D. Velez-Rivera, Esq.  
Office of the U.S. Trustee  
33 Whitehall Street  
21st. Floor  
New York, NY 10004

Dennis F. Dunne  
Milbank, Tweed, Hadley & McCloy LLP  
1 Chase Manhattan Plaza  
New York, NY 10005

[Counsel for AURORA LOAN SERVICES]  
GARRETT & TULLEY, P.C.  
CANDIE Y. CHANG, Esquire  
STEPHANIE S. BANG, Esquire  
225 South Lake Avenue, Suite 1400  
Pasadena, California 91101-4869

[COUNSEL FOR REAL PARTY LEHMAN BROTHER'S HOLDING, INC.]  
Justin D. Balser, Esquire  
Donald M. Scotten, Esquire  
Bryan M. Leifer, Esquire  
AKERMAN SENTERFITT LLP  
725 S. Figueroa St., Suite 3800  
Los Angeles, CA 90071

CHAMBERS OF THE HON. JAMES M. PECK  
THE UNITED STATES BANKRUPTCY COURT  
Southern District of New York  
Courtroom 601  
One Bowling Green  
New York, New York 10004-1408

MOHAMED FOUZI HAFFER, Esquire  
Haffar Law Firm  
555 W Beech St Ste 503  
San Diego, CA 92101

BLUE OCEAN MORTGAGE, INC.  
c/o MATTHEW P KAY  
[its agent for service]  
4347 McCONNELL  
LOS ANGELES, CA 90066

JANELLE M. BAIRD  
P.O. Box 1812  
Hawaiian Gardens Ca, 90716

Samantha Hill  
1201 N. Orange Grove Ave., #106  
West Hollywood, CA 90046

MATTHEW P KAY  
4347 McCONNELL  
LOS ANGELES, CA 90066

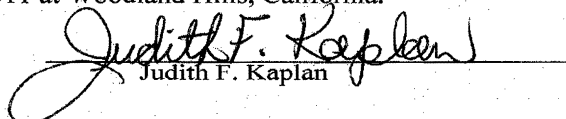
LATOSHIA C. KELLER  
4515 Don Ricardo Drive  
Los Angeles, California 90008

I am "readily familiar" with the firms practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Woodland Hills, California. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in set forth in this affidavit.

I am employed in THE LAW OFFICES OF JEROME ZAMOS in Woodland Hills, California at whose direction service was made.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed April 7, 2011 at Woodland Hills, California.

  
Judith F. Kaplan